



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.[MD]No.247 to 249 of 2018

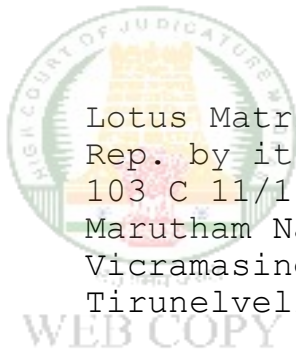
and

C.M.P.[MD]Nos.1467 to 1469 of 2018

- 1.The Director of Matriculation Schools,
DPI Campus College Road,
Chennai - 600 006.
- 2.The Inspector of Matriculation Schools,
Tirunelveli Region,
Tirunelveli District. : Appellants (In All Cases)
Vs.
- 1.Bharath Advanced Matriculation School,
Koyyanvillai,
South Soorankudy Post,
Kanyakumari District - 629 501,
Rep. by its Correspondent,
S.Bhagavath, S/o.Subbaiah
- 2.The Special Officer,
Rajakkamangalam Village Panchayat,
Kanyakumari District. : Respondents in W.A(MD)No.247 of 2018

(R2 is suo-motu impleaded vide Court order,
dated 17.04.2018 made in W.A(MD)247 to 249 of 2018)
- 1.St.Johns Matriculation School,
Thoothoor,
Kanyakumari District,
Rep. by its Correspondent,
Rev. Sister Roshni.
- 2.The Special Officer,
Rajakkamangalam Village Panchayat,
Kanyakumari District. : Respondents in W.A(MD)No.
248 of 2018

(R2 is suo-motu impleaded vide Court order,
dated 17.04.2018 made in W.A(MD)247 to 249 of 2018)



Lotus Matriculation School,
Rep. by its Correspondent Mr.S.Murugan,
103 C 11/10 Papanasam Main Road,
Marutham Nagar, Dana,
Vicramasingapuram,
Tirunelveli District - 627 425.

: Respondent in W.A(MD)No.
249 of 2018

COMMON PRAYER: Writ Appeals filed under Clause 15 of the Letters Patent, against the orders dated 22.06.2015, 17.06.2015 and 18.06.2015 made in W.P.[MD]Nos.5745, 9769 and 9851 of 2015, respectively, on the file of this Hon'ble Court and allow these Writ Appeals.

Prayer in WP(MD). 5745/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 1st respondent in Na.Ka.NO.7989/A4/2014 dated 05.01.2015 and to quash the same and consequently dircting the respondents to grant permission to run the petitioner school with LKG To VIII standard without insisting for plan approval from the department of Town and Country Planing within a time frame to be fixed by this Hon'ble Court.

Prayer in WP(MD). 9769/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 1st respondent in Na.Ka.No.371/A4/2015 dated 10.02.2015 and to quash the same and consequently directing the respondents to grant permission to run the petitioner school with LKG to VIII standard without insisting for plan approval from the department of Town and Country planning, within a time frame to be fixed by this Hon'ble Court.

Prayer in WP(MD). 9851/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 1st Respondent in Na.ka.No. 372/A4/2015 dated 09.02.2015 and to quash the same and consequently directing the Respondents to grant permission to run the Petitioner School with LKG to VIII standard without insisting for plan approval from the department of Town and Country Planning within a time frame to be fixed by this Honourable Court.

For Appellant : Mr.R.Baskaran,
Standing Counsel for Government
For Respondents : Mrs.L.Victoria Gowri



COMMON JUDGMENT

[Common Judgment of the Court was delivered by
T.S.SIVAGNANAM, J.]

By consent of both parties, these appeals are taken up for final disposal.

2.Heard Mr.R.Baskaran, learned Standing Counsel for Government appearing for the appellants and Mrs.L.Victoria Gowri, learned counsel appearing for the respondents.

3.The respondents / writ petitioners are matriculation schools, which challenge the proceedings of the first respondent dated 05.01.2015, 10.02.2015 & 09.02.2015, respectively, which proposed to cancel the recognition, on the ground that the schools have not obtained building plan approval from the department of Town and Country Planning.

4.Admittedly, the respondent institutions have classes only up to 8th standard. The learned Writ Court examined the matter and took note of the relevant Government orders and in particular, G.O. (Ms).No.270, School Education (X2) Department dated 22.10.2012, which does not impose any condition that the building plan should be approved by the Joint Director or Deputy Director of Town and Country Planning, since it is the executive authority or the local body which is the competent authority. Admittedly, the respondent institutions have fulfilled such requirement. Further, the learned Writ Court took note of the earlier decision in an identical issue, which appears to have attained finality. Further more, we find that the institutions are still continuing to run in the said buildings. For the above reasons, we find no grounds to interfere with the order passed by the learned Writ Court.

5.Accordingly, these Writ Appeals are dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

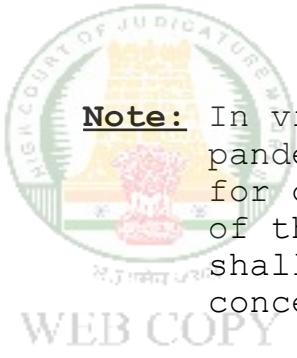
Assistant Registrar (W)

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/ /2021

Sub Assistant Registrar(CS)

MR



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

COMMON JUDGMENT MADE IN
W.A.[MD]No.247 to 249 of 2018

and
C.M.P.[MD]Nos.1467 to 1469 of 2018
29.06.2021

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